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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/937,437
	Filing Date	November 26, 2001
	First Named Inventor	Bruck, et al.
	Art Unit	Unknown
	Examiner Name	Unknown
Total Number of Pages in This Submission	Attorney Docket Number	BC45226

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Communication with Exhibits A, B and C CRF diskette of Sequence Listing Acknowledgement Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric A. Meade, Reg. #42,876
Signature	<i>E. A. Meade</i>
Date	September 9, 2003

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Peggy Ferello		
Signature	<i>Peggy Ferello</i>	Date	September 9, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Peggy Ferello  
Peggy Ferello  
September 9, 2003  
DATE

**Attorney Docket No. BC45226**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bruck et al.  
Serial No.: 09/937,437  
Filed: not yet assigned  
For: Novel Compounds

Group Art Unit: unknown  
Examiner: unknown

Attn: Tamala D. Holden  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Communication**

Sir:

This Communication accompanies a copy of a response (Exhibit A) to a Notification of Defective Response that was originally filed on February 25, 2003 (Exhibit B). Applicants were advised during a phone call with Ms. Holden on September 6, 2003 that no response to the Notification of Defective Response of February 5, 2003 ("the Notice") had been received by the PCT Office. Notwithstanding, Applicant respectfully submits that a paper responsive to the Notice was deposited with sufficient postage in an envelope as "Express Mail Post Office to Addressee" Mailing Label No. EV 134 776 025 US addressed to: Attn: Tamala D. Holland, Commissioner for Patents, Washington, D.C. 20231 on February 25, 2003. It is noted that the response was received by the Office on February 25, 2003 as evidenced by the date stamped, acknowledgement postcard, a copy of which is submitted herewith (Exhibit C).

The Notice indicates that additional claim fees are due for this application. Applicant respectfully traverses. The Preliminary Amendment submitted with the application specifically directs entry of the Amendment before the calculation of fees.

Applicant hereby states that the enclosed CRF diskette submitted herewith is identical to the paper copy of the "Sequence Listing" contained in the copy of International Application No. PCT/EP00/02478 which was submitted on September 26, 2001 for filing with the US Patent Office and contains no new matter.

Applicant respectfully requests entry of this response into the record of the application.


**FEE DEFICIENCY**

☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 50-0258.

**and/or**

☒ If any additional fee is required for consideration of this paper, please charge Account No. 50-0258.

Respectfully submitted,



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for  
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